

1-24-11

CLERK OF THE COURT
U.S. Bankruptcy Court
Eastern District of Texas
600 N. Central Expressway
Suite 300B
Plano, TX 75074

Re: In re Prince, 09-43627 and
Adverse No. 10-04644


Dear Clerk:

Please find enclosed the Debtor's Reply To Motion
For Summary Judgment ON Non-Dischargeability of A
Debt Pursuant TO 11 USC §§ 727 and 523, and
Request For Continuance in its original. Please
forward a stamped filed copy back to me.

Please serve the opposing counsel, as I have no
way to copy here at the institution.

Thank you.

Sincerely,



Charles L. Prince, Pro Se

Reg No 09329-064

Federal Correctional Institution

P.O. Box 15330

Ft. Worth, TX 76114

cc: File

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

2011 JAN 26 AM 10:26
CLERK U.S. BANKRUPTCY COURT

BY _____ DEPUTY

IN RE:
CLOVIS PRINCE,
Debtor.

CASE NO. 09-43627

AT&T MOBILITY, LLC
Plaintiff,

ADVERSE NO. 10-04044

v.

CLOVIS PRINCE,
Defendant.

DEBTOR'S REPLY TO MOTION FOR SUMMARY
JUDGMENT ON NON-DISCHARGEABILITY OF A
DEBT PURSUANT TO 11 U.S.C. §§ 727 AND 523; AND
REQUEST FOR CONTINUANCE

TO THE HONORABLE CHIEF BANKRUPTCY JUDGE BRENDA T. RHEADES:

COMES NOW THE DEBTOR, CLOVIS PRINCE ("Prince"), the
debtor in the above styled and numbered cause, and
the alleged defendant in the above styled and numbered
cause in adverse, files his Debtor's Reply To Motion For
Summary Judgment On Non-Dischargeability Of A Debt
Pursuant To 11 U.S.C. §§ 727 AND 523; and Request For
Continuance and in support would respectfully
show as follows.

1. Debtor/Defendant has before the Court a filed Motion For Summary Judgment clearly showing to the Court that AT&T Mobility, LLC is not a creditor in the above named and styled cause. Please refer to Debtor/Defendant Motion For Summary Judgment filed with the Court.
2. The Court has before it the debtor/defendant's Motion For Summary Judgment, that AT&T Mobility LLC; 1) is not a creditor 2) debtor/defendant Prince did not engage in fraud or defalcation by stealing, embezzling, or otherwise taking or using for personal benefit the funds paid by AT&T.
3. Plaintiff have failed to show any genuine material issue that they are a creditor (emphasis supplied)
4. Debtor/Defendant Prince filed on or about January 13, 2011, requesting of the Court permission for continuance and/or extensions to file and/or appear on any and all proceedings. Prince is currently under court ordered medical evaluation, and ~~do~~ not have his files and records with him in the above named and numbered cause.
5. Debtor/Defendant has no knowledge when the Court ordered medical evaluation will terminate.
6. Debtor/Defendant, based upon the facts of no files and records to the above numbered and styled cause; and his present medical evaluation confinement; the request for extension and continuance should be granted.

CONCLUSION


7. Based on the facts above, the pending Debtor/Defendant's

Motion For Summary Judgment (with prima facie evidence that AT&T Mobility, LLC is not a creditor), debtor/defendant does not have his files and records with him, debtors/defendant is confined to a Court ordered medical evaluation.

WHEREFORE, Debtor/Defendant respectfully prays that the Court grant ~~him~~ 90 days to reply with Authority, facts, and issues to the Plaintiff's motion for summary judgment. This request is not to delay the court, however debtor/defendant needs his files and records to support his prima facie argument that the Plaintiff's claims and/or motion must be denied.

Debtor/Defendant prays the Court grant it such other and further relief to which it is entitled either at law or in equity.

Respectfully submitted,


C. L. Poirer, Pro Se

Reg No. 09329-064

Federal Correctional Institution

P.O. Box 15330

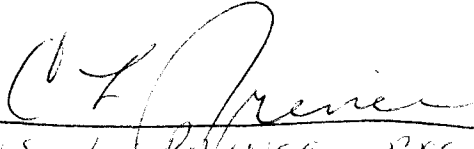
Fort Worth, TX 76119

Debtor / Defendant

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was placed in the institution mail on this the 24th day of January, 2001 to the following with instructions to serve opposing counsel, because the institution the debtor/defendant is located will not make copies:

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CLERK OF THE COURT
United States Bankruptcy Court
Eastern District of Texas
660 N. Central Expressway
Suite 300B
Plano, TX 75074



LOUIS L. PRINCE, pro se
Debtor/Defendant 2

¹ Incarcerated person pleadings are considered filed when placed in the institution mailbox

² Haines v Kerner, 404 U.S. 519, 92 S.Ct. 594 (1972)
(liberally construe pleadings)